

BOARD OF APPEALS PUBLIC HEARING – MAY 5, 2016

PUBLIC HEARING  
**BOARD OF ZONING APPEALS**  
May 5, 2016

The Austintown Township Board of Appeals held a Public Hearing on Thursday, May 5, 2016, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following cases:

APPEAL CASE 2016-05-A-Richardson-Continued;  
APPEAL CASE 2016-06-A-Wilson; and  
APPEAL CASE 2016-07-A-Jackie and Brandon Bower.

The following Board members were in attendance:

Mr. Joe Koch – Chairman  
Mr. Michael Beaudis – Vice-Chairman  
Mr. Robert Satterlee  
Mr. William Glaros  
Mr. Joe Koch  
Mr. James Mahoney

Chairman Koch opened the public hearing at 7:00 P.M. The following testimony was given under oath or affirmation. Court Reporter in attendance, complete transcript taken of the hearing.

Motion by Mr. Glaros to approve the minutes of the April 21, 2016 public hearing.

Seconded by Mr. Mahoney.

Roll Call Vote: Mr. Glaros – Yes; Mr. Mahoney – Yes; Mr. Simms - Yes; Mr. Beaudis – Yes; Mr. Koch – Yes.

**APPEAL CASE 2016-05-A-Continued**

Jeff Richards, 115 DeHoff Drive, Austintown, Ohio, 44515, on behalf of Cera Management, 1722 South Raccoon Road, Austintown, Ohio, 44515, appeals from the decision of the Austintown Township Zoning Inspector and requests a conditional use from the terms of Article XI-Business B-2 District, Section 1102-Conditionally Permitted Uses, Paragraph No. 4 - Bar, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the proposed “JR’Z Pub” at the property located at 1722 South Raccoon Road. Said property is further described as Lot No 2, Plaza West Plat No. 1, is located on the south side of the New Road right-of-way; approximately 300 feet west of the South Raccoon Road-New Road intersection; and is zoned as a Business B-2 District in Austintown Township, Mahoning County, State of Ohio.

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Zoning Inspector Crivelli read the letter of application into the case record, referenced a letter of permission from the property owner allowing the applicant to represent the property at the public hearing, an interior floor plan, the case mailing list, and three plat maps prepared by the zoning office.

Mr. Koch stated the mailing list for case 2016-05-A will be incorporated into the case record.

Jeff Richards, 115 DeHoff Drive, Austintown, Ohio, 44515, stated they are excited for the opportunity. The property has been leased with the intent to purchase the property from Mr. Cera. They have cleaned the place up. It is a quality venue. His son Josh and he will operate the business fulltime. No changes are proposed to the interior floor plan. New fencing was constructed. Hours of operation will be 4:00P.M. until 2:30A.M. In the fall they will open on Sundays at noon for football.

Mr. Koch inquired about repairs that were required from the previous case. Zoning Inspector Crivelli advised the roofing above the sidewalk was repaired although there were some small leaks and the previous tenant did not want zoning to pursue further repairs from the landlord. Mr. Koch observed a leak by the canopy. Mr. Richards stated the property owner has a guy coming to repair the leaks. Mr. Koch suggested they repair the leak near the entrance door.

Mr. Richards stated he has signed a five year lease. They should have their liquor license any day now and are currently operating under the owner's license. The liquor license is part of the purchase. The kitchen is open and he is doing the cooking. They cleaned up the kitchen and removed the junk. The Health Department is satisfied with the current condition of kitchen. They will not be doing banquets. He will stay on with his son to run the business while maintaining his current role at Denny's Restaurant.

Mr. Simms inquired about live entertainment. Mr. Richards stated they have had bands on Fridays and Saturdays and have had no problems. All the live entertainment has been in-doors. He does not plan on having a DJ or live bands outdoors. They want to use the outdoors for bocce. There are speakers outdoors but they control the volume due to the closeness of the residential neighbors. The health department inspections have been conducted and approved. The fire inspections are pending but they have placed new exit signs and removed about a dozen extension cords.

Mr. Koch observed in the previous case at this address a condition of approval was for the soffit to be repaired. Zoning Inspector Crivelli requested the Board stipulate a scope of work and require the applicant to secure a permit from building inspections. Mr. Koch suggested it was the landlord's responsibility to conduct the repairs. Mr. Koch stated the building looks better now than it has in the past. Zoning Inspector Crivelli advised the township intends to raze the former Big Lots building to the west.

No one else in attendance to speak for the request.

No one else in attendance to speak against the request.

**2016-05-A-Richards-Continued:** Motion by Mr. Glaros to approve the conditional use including all testimony presented by the applicant.

Seconded by Mr. Mahoney.

Roll Call Vote: Mr. Glaros – Yes; Mr. Mahoney – Yes; Mr. Simms - Yes; Mr. Beaudis – Yes; Mr. Koch – Yes.

Zoning Inspector Crivelli advised the applicant to get together with his landlord and fix the front area so there are no leaks.

Mr. Richards thanked the Board.

**APPEAL CASE 2016-06-A**

Larry D. Wilson, 3324 Meanderwood Drive, Canfield, Ohio, 44406, in conjunction, Harley Davidson Bike Town, 5700 Interstate Boulevard, Austintown, Ohio, 44515, appeals from the decision of the Austintown Township Zoning Inspector and requests a use variance and a conditional use permit from the terms of Article XI-Business B-2 District, Section – 1103–Prohibited Uses, and Section 1102-Conditionally Permitted Uses- Paragraph 4: “Bar”, of the Austintown Township Zoning Ordinance, as amended through November 26, 2014, to allow for the occupancy of the proposed “Biker Brewhouse, LLC” microbrewery to include the manufacturing and bottling of beer with an accompanying tasting room at the property located at 5700 Interstate Boulevard. Bottling works and the brewing and distilling of liquors are a prohibited use within the Business B-2 District. Said property is zoned as a Business B-2 District in Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli read the letter of application dated March 28, 2016 into the case record, referenced five (5) pages of construction drawings, a letter of determination issued by the zoning inspector dated March 18, 2016, a copy of an Ohio Department of Commerce background check letter, the case mailing list, and four plat maps prepared by the zoning office. Marked as Exhibit “A” was a letter of permission from the property owner allowing the applicant to represent the property at the public hearing.

Mr. Koch stated the mailing list for case 2016-06-A will be incorporated into the case record.

Larry D. Wilson, 3324 Meanderwood Drive, Canfield, Ohio, 44406, stated he would like to place the brewery within the dealership as it will be a destination stop. Mr. Koch stated he visited the property earlier in the day and was advised by Mr. Wilson the brewery hours will be the same as the cycle shop hours. Mr. Wilson agreed with that statement. They will close at 8:00P.M. with the exception of special events such as concert nights. There was discussion of concert hours and the hours of operation for the

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recently approved Paladin Brewery. Mr. Koch led a discussion to allow later hours during special event evenings. Mr. Wilson stated he would like to request approval to stay open later during special event nights. Mr. Beaudis asked if the building is open during special events. Mr. Wilson stated it depends on the type of event it is.

Mr. Wilson advised Mr. Koch during his site visit that 90% of the business will be distribution. He stated he understands the responsibility he is taking on as they sell vehicles and the tasting room is exactly what it means...a tasting room. It is not a bar. They are setting in place a “pourmybeer.com” system which is a self-serve system requiring a prepaid responsibility card. The card is set for a responsibility limit. The limit will be set by the operator. Mr. Wilson stated they applied for an AC1 permit to allow for the manufacture of beer. The State and building inspectors are waiting on zoning approval before issuing their permits. They are also waiting on the TTB approval from the feds.

Mr. Koch inquired about the pour my beer system. Mr. Wilson described it as four taps per screen. The number of screens is limitless. The screen will give a description of the beer, the alcohol content, and the IVY rating (bitterness). As customers open the taps the ounces increase and the amount of money on the responsibility card decreases until the tap is turned off. The ounce limit is determined by the alcohol content with 32 ounces being the norm (2 pints). You must see an employee to reload the card after it is exhausted. The capacity for the tasting room has not been set yet by the project architect. There is an upstairs room. There is no bar just attendants.

Mr. Koch asked if he was aware of any other dealerships that had tasting rooms. Mr. Wilson was not aware of any other dealerships. This location is a convenience factor; he works there, and has pride in the facility. He works six days a week at the dealership and will oversee the brewery. The tasting room will be enclosed from the other business. No alcohol will be allowed within the dealership. They do not want people near the motorcycles with a beer in their hands. The business focus will be on distribution with several local retailers waiting for deliveries.

Mr. Koch inquired about hours of operation. Mr. Wilson stated the store opens at 10:00A.M. but he does not expect much morning business. Biketown manager John Allen expressed support for the project on behalf of the owner of the property. Mr. Wilson stated his partner for the brew house is Richard Sekely, Jr. who also works part-time for Biketown.

Mr. Koch inquired about liability coverage. Mr. Wilson stated Ohio has dram laws where the responsibility is on the person once they leave the parking lot. Liquor liability insurance will be purchased by the brewhouse. For now there will be no outdoor signage although there may be a future sign. There was discussion of utilizing the high-rise sign for advertising.

No one else in attendance to speak for the request.

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No else in attendance to speak against the request.

The Board adjourned into executive session at 7:37 P.M.

The Board reconvened from executive session at 7:39 P.M.

**2016-06-A-Wilson-Harley Davidson Bike Town:** Motion by Mr. Beaudis to approve the use variance and the conditional use permit to allow Biker Brewhouse, LLC, microbrewery to manufacture and bottle beer with a tasting room at the property located at 5700 Interstate Boulevard, and to include all testimony given, and to allow them to extend some of their hours of operation at night for special events.

Seconded by Mr. Mahoney.

Roll Call Vote: Mr. Glaros – Yes; Mr. Mahoney – Yes; Mr. Simms - Yes; Mr. Beaudis – Yes; Mr. Koch – Yes.

Zoning Inspector Crivelli advised he will forward a copy of the minutes when completed and to submit outdoor signage drawings to zoning for review and approval.

**APPEAL CASE 2016-07-A**

Jackie and Brandon Bower, P.O. Box 4794, Austintown, Ohio, 44515, appeals from the decision of the Austintown Township Zoning Inspector and requests a variance from the terms of Article V-Agricultural-Suburban Estate Residential-A-SER, Section 501-Permitted Uses, Paragraph 3 and Article VI-Residence R-1 District, Section 601-Permitted Uses, Paragraph 1, of the Austintown Township Zoning Ordinance, as amended through November 26, 2014, to allow for the issuance of a zoning permit for construction of a second free standing single-family dwelling at the property located at 1720 West Mahoning Trumbull County Line Road. Upon completion of the newly constructed dwelling the existing single-family dwelling will be razed. Only one single-family dwelling is permitted per platted lot. Said property is located on the south side of the West Mahoning Trumbull County Line Road right-of-way, approximately 307.26 feet west of the Northfield Drive-West Mahoning Trumbull County Line Road intersection; and is zoned as a Residential R-1 District for a depth of 150 feet with the southerly remainder zoned as an Agricultural A-SER District in Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli read the letter of application dated March 29, 2016 into the case record, referenced a scaled site plan, three (3) pages of hand drawn construction drawings, the case mailing list, and three plat maps prepared by the zoning office.

Mr. Koch stated the mailing list for case 2016-07-A will be incorporated into the case record.

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Brandon Bower, 3447 Bentwillow Court, Austintown, stated the dwelling is a little bigger than 2,500 square feet. He described the placement of the dwelling on the lot.

The meeting was adjourned at 7:45P.M. so the Board could review architectural drawings that were not submitted into the case record (The applicant only had one copy and they were too big to make copies at township hall).

The Board reconvened from executive session at 7:48 P.M.

Mr. Beaudis inquired about the construction. Mr. Bower stated he would do most of the construction. He owns “Three B Construction” specializing in kitchens and bathrooms. He has been in construction for about 20 years. He is confident he can get the home completed in a relatively short time. No lender is involved. He is comfortable he has adequate funds. Some family and friends will help on labor but most of the work will be done by himself. He wants a slab as he is getting older and wants radiant heated floors. He finished off his basement in the current house but his kids don’t use it. He wants everything on one level. This will be the first house he has built.

Mr. Simms inquired about the time frame for completion. Mr. Bower stated he will be in the home when the existing home is torn down. He stated the old house will come down well before the date it needs to be down. The two trees by the drive will be cut down and main drive will go to the left where the new garage will be. He will have radiant heat and forced air with one unit in the attic.

Mr. Koch inquired about mechanical drawings. Mr. Bower stated he did not bring them. He has a friend who is an electrician who may help him but he did pass the building inspector’s test to do his own electrical work. He will tap the sanitary sewer when the old house is razed. There are existing gas and water lines to tap into. If need be he will temporarily move if there is too much downtime waiting to tap in to the utilities. The lot is 647 feet deep and 130 feet wide.

Mr. Koch asked if he had the time running his own business. Mr. Bower answered in the affirmative and stated once the foundation is completed he will take two months off work from August 1<sup>st</sup> to October 1<sup>st</sup> to frame and get the structure weather tight. He estimated he can meet his date of completing it in February, 2017. He will do the drywall and plumbing. It will be a learning experience but he is up for it.

Mr. Koch commented that he has the spirit and energy but it will be a daunting task. Mr. Bower stated he has heart and soul and can accomplish this. He has worked for Hively Construction and can read plans. He acknowledged it will take more time than the average home build and that’s why he asking for a little more time. He is in a financial position to handle this and his wife is comfortable he can accomplish this and he is ready for the challenge. He decided he does not want to deal with the banks. He has no debt and he can get this to the point if he had to take a loan he is confident he will obtain it. He has paid for the prints and knows the costs of the permit fees.

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No one else in attendance to speak for the request.

No else in attendance to speak against the request.

The Board adjourned into executive session at 8:00 P.M.

The Board reconvened from executive session at 8:10 P.M.

Mr. Koch inquired about the February 1<sup>st</sup> deadline and suggested an additional 30 days to move. The Board does not want him renting out the front house. Mr. Bower stated they will not rent the old house but will transition to the new house. Mr. Koch made it clear the Board does not want him living in both houses. Mr. Bower stated he takes pride in his home and neighborhood and can meet his self-imposed deadline.

**2016-07-A-Bower:** Motion by Mr. Beaudis to approve the variance with the stipulation that the new house will be completed and moved into on February 1, 2017 with 30 days allowed for demolition of the existing home which would place it in March 2, 2017.

Seconded by Mr. Glaros.

Roll Call Vote: Mr. Glaros – Yes; Mr. Mahoney – Yes; Mr. Simms – Yes; Mr. Beaudis – Yes; and Mr. Koch – Yes.

Zoning Inspector Crivelli and Mr. Koch emphasized the front dwelling has to be razed by March 2, 2017 even though the zoning permit is good for one year.

There being nothing further to come before the Board, the hearing was adjourned at 8:24 P.M.

AUSTINTOWN BOARD OF ZONING APPEALS

Darren L. Crivelli, Zoning Inspector, Austintown Township

APPROVED: \_\_\_\_\_  
Joe Koch – Chairman

DATE: \_\_\_\_\_